

Message

---

**From:** Ferguson, Lincoln [ferguson.lincoln@epa.gov]  
**Sent:** 11/16/2017 10:46:13 PM  
**To:** Bennett, Tate [Bennett.Tate@epa.gov]; Ford, Hayley [ford.hayley@epa.gov]  
**CC:** Wilcox, Jahan [wilcox.jahan@epa.gov]; Bowman, Liz [Bowman.Liz@epa.gov]; Hupp, Millan [hupp.millan@epa.gov]  
**Subject:** RE: Moderated questions for Administrator Pruitt at Crossroads Summit

Thanks Tate – and then yes, Liz and I like to coordinate with the moderator to discuss the questions before the speaking engagement. We will reach out to Clint.

---

**From:** Bennett, Tate  
**Sent:** Thursday, November 16, 2017 5:43 PM  
**To:** Ford, Hayley <ford.hayley@epa.gov>  
**Cc:** Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>  
**Subject:** Re: Moderated questions for Administrator Pruitt at Crossroads Summit

I can narrow these down and recirculate for the group to approve. Will recirculate in the AM. We typically don't send suggested questions over until the week before given constantly our changing timing of policy announcements.

On Nov 16, 2017, at 5:01 PM, Ford, Hayley <ford.hayley@epa.gov> wrote:

Press Team/Lincoln – Do you typically like to review the questions that Pruitt will be asked during moderated speaking engagements? He is speaking the morning of 11/30 with the Texas Public Policy Foundation. See questions below. Can you let us know what you think and/or respond to Clint directly and just keep us copied?

Thanks!

*Hayley Ford*

Deputy White House Liaison and Personal Aide to the Administrator  
Environmental Protection Agency

[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)

Phone: 202-564-2022

Cell: Ex, 6

---

**From:** Hupp, Millan  
**Sent:** Tuesday, November 14, 2017 4:24 PM  
**To:** Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>; Ford, Hayley <[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)>; Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>  
**Subject:** RE: Moderated questions for Administrator Pruitt at Crossroads Summit

It is Thursday, the 30<sup>th</sup>.

Millan Hupp  
Director of Scheduling and Advance  
Office of the Administrator  
Cell: Ex, 6 Email: [hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)

---

**From:** Bennett, Tate  
**Sent:** Tuesday, November 14, 2017 3:35 PM

**To:** Ford, Hayley <[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)>; Hupp, Millan <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>; Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>

**Subject:** RE: Moderated questions for Administrator Pruitt at Crossroads Summit

I think we said we'd get back to him this week with some edits. When is this?

---

**From:** Ford, Hayley

**Sent:** Tuesday, November 14, 2017 3:22 PM

**To:** Hupp, Millan <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>; Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>; Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>

**Subject:** RE: Moderated questions for Administrator Pruitt at Crossroads Summit

Has anyone responded to this?

***Hayley Ford***

Deputy White House Liaison and Personal Aide to the Administrator  
Environmental Protection Agency

[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)

Phone: 202-564-2022

Cell: **Ex, 6**

---

**From:** Clint Nesmith [<mailto:cnesmith@texaspolicy.com>]

**Sent:** Friday, November 10, 2017 12:37 PM

**To:** Hupp, Millan <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>; Ford, Hayley <[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)>; Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>; Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>

**Subject:** Moderated questions for Administrator Pruitt at Crossroads Summit

**Importance:** High

Ladies and Gentlemen,

We have crafted eight potential questions that Brooke Rollins, TPPF President and CEO, would ask Administrator Pruitt during their 20-25 minute moderated conversation. Does your team have any edits to these questions or would you like to add any additional ones? Obviously, we would like to get any questions you may want him to answer during the conversation.

Thank you!

1. What areas of environmental protection are best left to states vs. the federal government?
2. What is your office and this administration doing to promote the concept of the advancement of the human condition through energy – and how that must be balanced with the important goal of maintaining a clean environment?
3. What is the best way to improve the environment throughout the world?
4. The EPA has recently proposed to repeal the Clean Power Plan based largely on the basis that Congress did not delegate to EPA the underlying regulatory authority. In addition to the repeal, what can the EPA do now to bind itself and protect against future Administrations claiming again the regulatory power in the Clean Power Plan?
5. Without Congressional power, what may the EPA do to transfer and delegate more autonomy and authority to states to regulate for a clean environment?

6. To what extent should authority be adjusted between the EPA and the Department of Energy in terms of regulatory authority over power plants and oil & gas operations?
7. Please discuss how your efforts to decrease the EPA staff have succeeded, why it has been your goal to decrease the size of the EPA, and whether this has yet resulted in measurable changes.
8. Without addressing the science, do you believe that EPA followed the law and procedural rules necessary to regulate CO2 under the Clean Air Act?

Clint Nesmith  
Vice President of Engagement  
Texas Public Policy Foundation

**Ex, 6**  
[cnesmith@texaspolicy.com](mailto:cnesmith@texaspolicy.com)

Message

---

**From:** Bowman, Liz [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C3D4D94D3E4B4B1F80904056703EBC80-BOWMAN, ELI]  
**Sent:** 11/17/2017 7:54:29 PM  
**To:** Bennett, Tate [Bennett.Tate@epa.gov]; Ford, Hayley [ford.hayley@epa.gov]; Wilcox, Jahan [wilcox.jahan@epa.gov]; Ferguson, Lincoln [ferguson.lincoln@epa.gov]  
**CC:** Hupp, Millan [hupp.millan@epa.gov]  
**Subject:** RE: Moderated questions for Administrator Pruitt at Crossroads Summit

These are good for me

---

**From:** Bennett, Tate  
**Sent:** Friday, November 17, 2017 9:52 AM  
**To:** Ford, Hayley <ford.hayley@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>  
**Cc:** Hupp, Millan <hupp.millan@epa.gov>  
**Subject:** RE: Moderated questions for Administrator Pruitt at Crossroads Summit

Sounds like they really want to discuss the endangerment finding.....see below proposed questions that I picked/ edited from the list.

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.

## Deliberative Process / Ex. 5

---

**From:** Ford, Hayley  
**Sent:** Thursday, November 16, 2017 5:01 PM  
**To:** Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>  
**Cc:** Bennett, Tate <Bennett.Tate@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>  
**Subject:** RE: Moderated questions for Administrator Pruitt at Crossroads Summit

Press Team/Lincoln – Do you typically like to review the questions that Pruitt will be asked during moderated speaking engagements? He is speaking the morning of 11/30 with the Texas Public Policy Foundation. See questions below. Can you let us know what you think and/or respond to Clint directly and just keep us copied?

Thanks!

**Hayley Ford**

Deputy White House Liaison and Personal Aide to the Administrator  
Environmental Protection Agency

[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)

Phone: 202-564-2022

Cell: Ex, 6

---

**From:** Hupp, Millan

**Sent:** Tuesday, November 14, 2017 4:24 PM

**To:** Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>; Ford, Hayley <[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)>; Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>

**Subject:** RE: Moderated questions for Administrator Pruitt at Crossroads Summit

It is Thursday, the 30<sup>th</sup>.

Millan Hupp

Director of Scheduling and Advance

Office of the Administrator

Cell: Ex, 6 Email: [hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)

---

**From:** Bennett, Tate

**Sent:** Tuesday, November 14, 2017 3:35 PM

**To:** Ford, Hayley <[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)>; Hupp, Millan <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>; Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>

**Subject:** RE: Moderated questions for Administrator Pruitt at Crossroads Summit

I think we said we'd get back to him this week with some edits. When is this?

---

**From:** Ford, Hayley

**Sent:** Tuesday, November 14, 2017 3:22 PM

**To:** Hupp, Millan <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>; Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>; Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>

**Subject:** RE: Moderated questions for Administrator Pruitt at Crossroads Summit

Has anyone responded to this?

**Hayley Ford**

Deputy White House Liaison and Personal Aide to the Administrator  
Environmental Protection Agency

[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)

Phone: 202-564-2022

Cell: Ex, 6

---

**From:** Clint Nesmith [<mailto:cnesmith@texaspolicy.com>]

**Sent:** Friday, November 10, 2017 12:37 PM

**To:** Hupp, Millan <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>; Ford, Hayley <[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)>; Bennett, Tate

<Bennett.Tate@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>

**Subject:** Moderated questions for Administrator Pruitt at Crossroads Summit

**Importance:** High

Ladies and Gentlemen,

We have crafted eight potential questions that Brooke Rollins, TPPF President and CEO, would ask Administrator Pruitt during their 20-25 minute moderated conversation. Does your team have any edits to these questions or would you like to add any additional ones? Obviously, we would like to get any questions you may want him to answer during the conversation.

Thank you!

1. What areas of environmental protection are best left to states vs. the federal government?
2. What is your office and this administration doing to promote the concept of the advancement of the human condition through energy – and how that must be balanced with the important goal of maintaining a clean environment?
3. What is the best way to improve the environment throughout the world?
4. The EPA has recently proposed to repeal the Clean Power Plan based largely on the basis that Congress did not delegate to EPA the underlying regulatory authority. In addition to the repeal, what can the EPA do now to bind itself and protect against future Administrations claiming again the regulatory power in the Clean Power Plan?
5. Without Congressional power, what may the EPA do to transfer and delegate more autonomy and authority to states to regulate for a clean environment?
6. To what extent should authority be adjusted between the EPA and the Department of Energy in terms of regulatory authority over power plants and oil & gas operations?
7. Please discuss how your efforts to decrease the EPA staff have succeeded, why it has been your goal to decrease the size of the EPA, and whether this has yet resulted in measurable changes.
8. Without addressing the science, do you believe that EPA followed the law and procedural rules necessary to regulate CO2 under the Clean Air Act?

Clint Nesmith  
Vice President of Engagement  
Texas Public Policy Foundation

Ex, 6

[cnesmith@texaspolicy.com](mailto:cnesmith@texaspolicy.com)

Message

---

**From:** Bennett, Tate [Bennett.Tate@epa.gov]  
**Sent:** 11/29/2017 9:56:07 PM  
**To:** Ferguson, Lincoln [ferguson.lincoln@epa.gov]  
**Subject:** FW: FOR TRANSMITTAL: Issue papers for Iowa Stops  
**Attachments:** Waters of the United States Rulemaking\_Applicability Date fact sheet.docx; Administrator 1 pager for IA Antideg WQS 11-29-17\_clean.docx

---

**From:** Forsgren, Lee  
**Sent:** Wednesday, November 29, 2017 4:45 PM  
**To:** Bennett, Tate <Bennett.Tate@epa.gov>  
**Cc:** Campbell, Ann <Campbell.Ann@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>  
**Subject:** FW: FOR TRANSMITTAL: Issue papers for Iowa Stops

Tate,

Here are the Office of Water briefing papers for the Administrators Iowa trip.

Regards,  
Lee

**D. Lee Forsgren**

Deputy Assistant Administrator  
Office Of Water  
Environmental Protection Agency  
1200 Pennsylvania Avenue, VW  
Room 3219 WJCE  
Washington, DC 20460  
Phone: 202-564-5700  
[Forsgren.Lee@epa.gov](mailto:Forsgren.Lee@epa.gov)

**From:** Bennett, Tate  
**Sent:** Wednesday, November 29, 2017 12:04 PM  
**To:** Ferguson, Lincoln <ferguson.lincoln@epa.gov>  
**Cc:** Jackson, Ryan <jackson.ryan@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>; Kunding, Kelly <kunding.kelly@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Gordon, Stephen <gordon.stephen@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>  
**Subject:** RE: Memo on Iowa Stops

Please see attached on Iowa. Lincoln, for your organizational purposes, here is what he needs for each day:

- **Policy Memos for BOTH Days:** RVO (coming in shortly), CERCLA Hard Rock info from Byron, WOTUS info on 2015 proposed effective date extension(coming in shortly), Worker Protection Standard Update Jeff put together (from Michigan materials)

- **Kentucky Specific:** Kell's BF Goodrich update, Nancy's pesticide update
- **Iowa Specific:** The Corn Oil One Update I just sent you, Antidegradation (coming shortly from Lee F)

---

**From:** Bennett, Tate

**Sent:** Tuesday, November 28, 2017 6:31 PM

**To:** Ferguson, Lincoln <[ferguson.lincoln@epa.gov](mailto:ferguson.lincoln@epa.gov)>

**Cc:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>; Daniell, Kelsi <[daniell.kelsi@epa.gov](mailto:daniell.kelsi@epa.gov)>; Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Ford, Hayley <[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)>; Hupp, Millan <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>; Kunding, Kelly <[kunding.kelly@epa.gov](mailto:kunding.kelly@epa.gov)>; McMurray, Forrest <[mcmurray.forrest@epa.gov](mailto:mcmurray.forrest@epa.gov)>; Lyons, Troy <[lyons.troy@epa.gov](mailto:lyons.troy@epa.gov)>; Cory, Preston (Katherine) <[Cory.Preston@epa.gov](mailto:Cory.Preston@epa.gov)>; Gunasekara, Mandy <[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)>; Dominguez, Alexander <[dominguez.alexander@epa.gov](mailto:dominguez.alexander@epa.gov)>; Sarah Greenwalt <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)> <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Gordon, Stephen <[gordon.stephen@epa.gov](mailto:gordon.stephen@epa.gov)>; Beck, Nancy <[beck.nancy@epa.gov](mailto:beck.nancy@epa.gov)>

**Subject:** Memo on Kentucky Stops

Please see attached memo from OPE on the Admin's Kentucky stops this Thursday. His Iowa memo will be sent over in the AM. RJ- we are all set on talkers aside from RVO's which Mandy/Alex are getting us tomorrow.

Elizabeth Tate Bennett

Associate Administrator for Public Engagement & Environmental Education

Office of the Administrator

U.S. Environmental Protection Agency

(202) 564-1460

[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)



## **Iowa Antidegradation Water Quality Standards**

### **Administrator Talking Points for 12-1-17**

#### **Issue:**

- EPA disapproved Iowa's Antidegradation Implementation Procedures (AIP) in January 2017. Iowa's regulation is inconsistent with the Water Quality Standards regulations.
- Iowa has requested that EPA change our disapproval to an approval.
- Without new information from the State justifying the discrepancy or the State revising its AIP rules to address the discrepancy, EPA cannot approve the State's AIP as consistent with the Clean Water Act.

#### **Key Messages**

- **Deliberative Process / Ex. 5**

#### **Background Points**

- **Deliberative Process / Ex. 5**
- IA limits economic viability to alternatives that cost less than 115% of base cost in all circumstances.
- IA's approved 2010 AIP acknowledges that alternatives >115% of base cost should be considered if implementation of the alternative would produce a substantial improvement in the discharge.
- EPA's regulations require that a range of practicable alternatives is analyzed.

- **Deliberative Process / Ex. 5**

## **“WATERS OF THE UNITED STATES” RULEMAKING – PROPOSED APPLICABILITY DATE CHANGE**

**ISSUE:** A February 28, 2017, Executive Order calls upon the EPA and the Department of the Army to consider redefining “waters of the United States” protected by Clean Water Act (CWA) programs in a manner consistent with U.S. Supreme Court Justice Scalia’s opinion in the *Rapanos* case. The agencies have since proposed two rules related to “waters of the United States.”

### **BACKGROUND:**

- The EPA and the Army have defined “waters of the U.S.” in regulations since the 1970s, and the regulatory definition before the 2015 rule had been in place since 1986.
- The EPA and the Army promulgated a rule in June 2015 defining “waters of the United States,” which took effect in most states on August 28, 2015.
- On October 9, 2015, the U.S. Court of Appeals for the Sixth Circuit stayed the 2015 rule nationwide pending further action of the court.
- The Supreme Court heard oral arguments on October 11, 2017, regarding which court has original jurisdiction to hear the merits of the 2015 rule – the courts of appeal or the district courts. The Supreme Court could rule at any time, which could affect the nationwide stay.
- Under the stay, the agencies are relying on the 1986 regulatory definition as interpreted by the *SWANCC* and *Rapanos* Supreme Court decisions when implementing CWA programs.

### **TALKING POINTS:**

- 
- 
- 
- 

**Deliberative Process / Ex. 5**

Message

---

**From:** Bennett, Tate [Bennett.Tate@epa.gov]  
**Sent:** 11/22/2017 1:47:19 PM  
**To:** Ferguson, Lincoln [ferguson.lincoln@epa.gov]; Ford, Hayley [ford.hayley@epa.gov]  
**Subject:** FW: Moderated questions for Administrator Pruitt at Crossroads Summit

Here is the list I narrowed down.

---

**From:** Bennett, Tate  
**Sent:** Thursday, November 16, 2017 5:43 PM  
**To:** Ford, Hayley <ford.hayley@epa.gov>  
**Cc:** Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>  
**Subject:** Re: Moderated questions for Administrator Pruitt at Crossroads Summit

I can narrow these down and recirculate for the group to approve. Will recirculate in the AM. We typically don't send suggested questions over until the week before given constantly our changing timing of policy announcements.

On Nov 16, 2017, at 5:01 PM, Ford, Hayley <ford.hayley@epa.gov> wrote:

Press Team/Lincoln – Do you typically like to review the questions that Pruitt will be asked during moderated speaking engagements? He is speaking the morning of 11/30 with the Texas Public Policy Foundation. See questions below. Can you let us know what you think and/or respond to Clint directly and just keep us copied?

Thanks!

***Hayley Ford***

Deputy White House Liaison and Personal Aide to the Administrator  
Environmental Protection Agency

[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)

Phone: 202-564-2022

Cell: **Ex, 6**

---

**From:** Hupp, Millan  
**Sent:** Tuesday, November 14, 2017 4:24 PM  
**To:** Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>; Ford, Hayley <[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)>; Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>  
**Subject:** RE: Moderated questions for Administrator Pruitt at Crossroads Summit

It is Thursday, the 30<sup>th</sup>.

Millan Hupp  
Director of Scheduling and Advance  
Office of the Administrator  
Cell: **Ex, 6** Email: [hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)

---

**From:** Bennett, Tate  
**Sent:** Tuesday, November 14, 2017 3:35 PM  
**To:** Ford, Hayley <[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)>; Hupp, Millan <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>; Wilcox, Jahan

<wilcox.jahan@epa.gov>

**Subject:** RE: Moderated questions for Administrator Pruitt at Crossroads Summit

I think we said we'd get back to him this week with some edits. When is this?

---

**From:** Ford, Hayley

**Sent:** Tuesday, November 14, 2017 3:22 PM

**To:** Hupp, Millan <hupp.millan@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>

**Subject:** RE: Moderated questions for Administrator Pruitt at Crossroads Summit

Has anyone responded to this?

***Hayley Ford***

Deputy White House Liaison and Personal Aide to the Administrator  
Environmental Protection Agency

[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)

Phone: 202-564-2022

Cell: 

Ex, 6
-------

---

**From:** Clint Nesmith [<mailto:cnesmith@texaspolicy.com>]

**Sent:** Friday, November 10, 2017 12:37 PM

**To:** Hupp, Millan <hupp.millan@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>

**Subject:** Moderated questions for Administrator Pruitt at Crossroads Summit

**Importance:** High

Ladies and Gentlemen,

We have crafted eight potential questions that Brooke Rollins, TPPF President and CEO, would ask Administrator Pruitt during their 20-25 minute moderated conversation. Does your team have any edits to these questions or would you like to add any additional ones? Obviously, we would like to get any questions you may want him to answer during the conversation.

Thank you!

1. What areas of environmental protection are best left to states vs. the federal government?
2. What is your office and this administration doing to promote the concept of the advancement of the human condition through energy – and how that must be balanced with the important goal of maintaining a clean environment?
3. What is the best way to improve the environment throughout the world?
4. The EPA has recently proposed to repeal the Clean Power Plan based largely on the basis that Congress did not delegate to EPA the underlying regulatory authority. In addition to the repeal, what can the EPA do now to bind itself and protect against future Administrations claiming again the regulatory power in the Clean Power Plan?
5. Without Congressional power, what may the EPA do to transfer and delegate more autonomy and authority to states to regulate for a clean environment?

6. To what extent should authority be adjusted between the EPA and the Department of Energy in terms of regulatory authority over power plants and oil & gas operations?
7. Please discuss how your efforts to decrease the EPA staff have succeeded, why it has been your goal to decrease the size of the EPA, and whether this has yet resulted in measurable changes.
8. Without addressing the science, do you believe that EPA followed the law and procedural rules necessary to regulate CO2 under the Clean Air Act?

Clint Nesmith  
Vice President of Engagement  
Texas Public Policy Foundation

**Ex, 6**

[cnesmith@texaspolicy.com](mailto:cnesmith@texaspolicy.com)

Message

---

**From:** Wagner, Kenneth [wagner.kenneth@epa.gov]  
**Sent:** 11/20/2017 12:15:03 AM  
**To:** Ford, Hayley [ford.hayley@epa.gov]; Ferguson, Lincoln [ferguson.lincoln@epa.gov]; Wagner, Kenneth [wagner.kenneth@epa.gov]  
**Subject:** RESTORE 1-pager final.docx - Sent from MaaS360  
**Attachments:** RESTORE 1-pager final.docx; ATT00001.htm

Hayley/Lincoln: Attached is the little briefing paper for the 3pm EST call for the Administrator for the RESTORE interview with Five (5) States (Ala, TX, Miss, LA and FL) for the Chair of the BP Settlement Funds. There are two other documents to follow.

## RESTORE COUNCIL CHAIR INTERVIEW

3:00pm EST. (5mins max)

Call In Number:

Participant Code:

It is requested that the Administrator join the Call at 3pm and tell them that he only has a few minutes (due to another meeting), but wanted to let the State Members (Florida, Alabama, Mississippi, Louisiana & Texas) how excited we are at EPA at the possibility of being named Chair and partnering with the States.

### TALKING POINTS

1.

2.

3.

# Deliberative Process / Ex. 5

### QUICK BACKGROUND FACTS:

Following the 2010 BP Oil Spill, three large funding streams (totaling approximately \$16B) were established, funded by fines/penalties from the civil, administrative and criminal settlement/pleas. Those funding streams (NRDA, RESTORE, and NFWF) will pay for Gulf of Mexico Restoration projects for the next 15 years.

Regardless of EPA's role on any Boards, any of the restoration projects funded from these sources will require EPA review - as part of the agency's normal role in the NEPA and permitting process.

In addition to that traditional work, EPA sits on the governing boards of two of these funding sources (NRDA and RESTORE). One of these governing boards, the RESTORE Council, has a vacant Chair position that EPA is being considered for. The RESTORE Council Chair is selected by the Gulf States.

The RESTORE Council Chair leads the 11-member Council comprised of the Governors of the five Gulf States, the Administrator of EPA, and the Department Secretaries for Agriculture, Army (Corps of Engineers) Commerce (NOAA), Homeland Security (Coast Guard) Interior. The Council oversees \$1.6B of ecological restoration funding.

Message

---

**From:** Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]  
**Sent:** 11/7/2017 11:00:56 PM  
**To:** Jackson, Ryan [jackson.ryan@epa.gov]; Ferguson, Lincoln [ferguson.lincoln@epa.gov]  
**CC:** Wise, Louise [Wise.Louise@epa.gov]; Dourson, Michael [dourson.michael@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]  
**Subject:** Information for Meeting with ACC  
**Attachments:** Points for Amisitrator's Meeting with ACC.11.07.17 .docx

Ryan and Lincoln –

I hope this has not reached you too late. Attached is information for the Administrator's meetings on Thursday with ACC. Please let us know if you have any questions or need any additional information.

Best,  
Charlotte

Charlotte Bertrand  
Acting Principal Deputy Assistant Administrator  
Office of Chemical Safety and Pollution Prevention  
Phone (202) 564-2910



**Points for Administrator Pruitt's Meeting with the American Chemistry Counsel**  
**EPA's IMPLEMENTATION OF THE 2016 AMENDED TSCA**

**EPA's interpretation of the phrase "Reasonably Foreseen Uses" in implementing TSCA:**

- *Issue:* New TSCA requires EPA to make risk determinations based on both known and reasonably foreseen uses. Concerns have been raised by industry that EPA is regulating chemicals on uses that are not clearly foreseen.
- *Talking Point:* Deliberative Process / Ex. 5

**Deliberative Process / Ex. 5**

**EPA's approach to "Legacy Uses" in review of existing chemicals under TSCA:**

- *Issue:* EPA has received criticisms that we may not consider 'legacy' uses in the review of existing chemicals.
- *Talking Point:* Deliberative Process / Ex. 5

**Deliberative Process / Ex. 5**

**TSCA User Fees Rule:**

- *Background:* New TSCA enables EPA to collect fees from chemical manufacturers and processors by rulemaking. The fees collected will be either 25 percent of the costs for administering portions of TSCA, or up to \$25 million a year for the first three years, whichever is less.
- *Talking Point:* Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

**Legal Challenges:**

- Several groups have filed lawsuits against EPA's current interpretation of "conditions of use" (e.g., ENGOs), and several groups (such as ACC) have filed in support of EPA.

Message

---

**From:** Bennett, Tate [Bennett.Tate@epa.gov]  
**Sent:** 6/11/2018 3:38:48 PM  
**To:** Ferguson, Lincoln [ferguson.lincoln@epa.gov]  
**Subject:** FW: Policy Backgrounders for Next Week`  
**Attachments:** NE\_TPs\_WOTUS\_06.11.18.docx

Need a pocket card for Nebraska Farm Bureau event at 4:30 on Thursday evening. This will be remarks to 20-30 farms on the WOTUS supplemental comment period and the Step 2 rule going to OMB Thursday. I really think just 2 pocket cards will be fine.

---

**From:** Drinkard, Andrea  
**Sent:** Monday, June 11, 2018 11:15 AM  
**To:** Bennett, Tate <Bennett.Tate@epa.gov>  
**Cc:** Forsgren, Lee <Forsgren.Lee@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>  
**Subject:** RE: Policy Backgrounders for Next Week`

Hi Tate,

Attached is a draft backgrounder on WOTUS for the book. I'm adding David F to see if he has edits on the Step 1 supplemental section § Deliberative Process / Ex. 5 I'll keep tabs on where things are on both packages and will let you know if things change.

I'm also hounding the region on the impairment issue, but I haven't heard from them yet.

Thanks and please let us know if you need anything else from us.

-Andrea-

---

**From:** Bennett, Tate  
**Sent:** Friday, June 08, 2018 4:25 PM  
**To:** Drinkard, Andrea <Drinkard.Andrea@epa.gov>  
**Subject:** RE: Policy Backgrounders for Next Week`

Just the impairment issue too and that's it. Totally fine. Maybe by early afternoon so we can get it to the Admin before he leaves?

---

**From:** Drinkard, Andrea  
**Sent:** Friday, June 8, 2018 4:23 PM  
**To:** Bennett, Tate <Bennett.Tate@epa.gov>  
**Subject:** FW: Policy Backgrounders for Next Week`

Is it ok if we get you the WOTUS pager on Monday? There are a few loose ends I want to see if we can get tied up before I send you something. Since you've got WIFIA and you'll get WOTUS on Monday, is there anything else you need from us?

---

**From:** Forsgren, Lee  
**Sent:** Thursday, June 07, 2018 6:20 PM

**To:** Campbell, Ann <Campbell.Ann@epa.gov>  
**Cc:** Drinkard, Andrea <Drinkard.Andrea@epa.gov>  
**Subject:** FW: Policy Backgrounders for Next Week`

Ann,

Can you get the program offices started on our briefing papers, I think she means WOTUS Step 1 additional comment period not Step 0.

Thanks,  
Lee

---

**From:** Bennett, Tate  
**Sent:** Thursday, June 7, 2018 5:13 PM  
**To:** Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Chancellor, Erin <chancellor.erin@epa.gov>  
**Cc:** Jackson, Ryan <jackson.ryan@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Letendre, Daisy <letendre.daisy@epa.gov>; Gordon, Stephen <gordon.stephen@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>  
**Subject:** Policy Backgrounders for Next Week`

All-

Do you mind working with R7 & R8 to provide the Admin with brief backgrounder's on the following issues? Also, below those topics is a sketch of what he will be doing Tues-Friday of next week (times/ addresses coming shortly).

Topics: RFS deal, sorghum oil pathway, prescribed burning in Kansas, WOTUS Step 0 additional comment period/ Step 2 to OMB, Skyler Nebraska watershed removal from impairment list, delisting of 2 Omaha NE superfund sites (Ed Chu has details).

OW, Andrea D. has me all set on WIFIA in Omaha.

**Tuesday, April 12- Kansas**

R7 Office Visit

Smoke Management Discussion at ranch (location TBD) with Kansas Livestock and Kansas Farm Bureau. Governor and Ag Secretary in attendance.

Tour of Kansas Agri Energy in Garnett, KS. Governor and Ag Secretary in attendance

**Wednesday, April 13<sup>th</sup>- South Dakota – Note Gov. Daugaard cannot attend.**

Tour of POET- Sioux Falls

Visit to Trent Schindler's Farm- Reliance- with Sorghum Producers Association

**Thursday, April 14<sup>th</sup> and Friday April, 15<sup>th</sup>- Omaha NE**

Meeting with Todd Becker of Green Plains, Inc.

WIFIA Event in Omaha

Superfund Site Deletion

WOTUS event with Gov Ricketts at Farm Bureau in Omaha

**Friday, April 15<sup>th</sup>**

Skyler, NE -Water Impairment Announcement with R7 and Gov Ricketts

Elizabeth Tate Bennett  
Associate Administrator for Public Engagement & Environmental Education  
Office of the Administrator  
U.S. Environmental Protection Agency  
(202) 564-1460  
[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)

**From:** Bowman, Liz [Bowman.Liz@epa.gov]  
**Sent:** 9/18/2017 3:16:18 PM  
**To:** Ferguson, Lincoln [ferguson.lincoln@epa.gov]; sooners7, adm [sooners7@epa.gov]  
**Subject:** Concordia Talking Points

## ADMINISTRATOR PRUITT CONCORDIA EVENT

### OVERVIEW

- EPA's back-to-basics agenda is focused on: air attainment and improving air quality; clean water and fixing outdated infrastructure; cleaning up contaminated land through the Superfund program; and, ensuring chemicals have been reviewed for safety.
- Leading the Agency w/ three core principles: rule of law, process matters, and cooperative federalism.
  - **Rule of Law:** Deliberative Process / Ex. 5  
Deliberative Process / Ex. 5
  - **Process:** Deliberative Process / Ex. 5  
Deliberative Process / Ex. 5
  - **Cooperative Federalism:** Deliberative Process / Ex. 5  
Deliberative Process / Ex. 5

### TANGIBLE ENVIRONMENTAL RESULTS (air, land, water)

- People care about the air they breathe; the water they drink. This goes to the heart of human health.
- **Air:** Deliberative Process / Ex. 5

# Deliberative Process / Ex. 5

- **Land:** Deliberative Process / Ex. 5

# Deliberative Process / Ex. 5

# Deliberative Process / Ex. 5

- Water: Deliberative Process / Ex. 5

## Deliberative Process / Ex. 5

### CLIMATE CHANGE (PARIS AND RED/BLUE)

- Hurricanes and Climate Change: Deliberative Process / Ex. 5

## Deliberative Process / Ex. 5

- Paris Agreement: Deliberative Process / Ex. 5

## Deliberative Process / Ex. 5

- Red Team/Blue Team: Deliberative Process / Ex. 5

## Deliberative Process / Ex. 5

### ADDITIONAL BACKGROUND ON CLIMATE SCIENCE:

## Deliberative Process / Ex. 5

# Deliberative Process / Ex. 5

## PUBLIC/PRIVATE PARTNERSHIPS

- WIFIA: Deliberative Process / Ex. 5

# Deliberative Process / Ex. 5

- Superfunds: Deliberative Process / Ex. 5

# Deliberative Process / Ex. 5

###

Liz Bowman  
U.S. Environmental Protection Agency (EPA)  
Office: 202-564-3293

Message

---

**From:** Beach, Christopher [beach.christopher@epa.gov]  
**Sent:** 5/30/2018 9:57:41 PM  
**To:** Daniell, Kelsi [daniell.kelsi@epa.gov]; Hupp, Millan [hupp.millan@epa.gov]; Gordon, Stephen [gordon.stephen@epa.gov]; Kunding, Kelly [kunding.kelly@epa.gov]; Ferguson, Lincoln [ferguson.lincoln@epa.gov]  
**Subject:** FW: Mississippi Delta Council Roundtable  
**Attachments:** MS Delta TPs\_5\_31\_18.docx; ATT00001.htm

Here are more talking points to include in the Administrator's binder for the trip. I'll also put these on his pocket card for the Roundtable event.

---

**From:** Drinkard, Andrea  
**Sent:** Wednesday, May 30, 2018 5:08 PM  
**To:** Beach, Christopher <beach.christopher@epa.gov>  
**Cc:** Forsgren, Lee <Forsgren.Lee@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Wildeman, Anna <wildeman.anna@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>  
**Subject:** Fwd: Mississippi Delta Council Roundtable

Hi Chris,

See some TPs in the attached. I'm adding Dave, Lee and Anna (our new DAA) to the email for awareness. Hopefully this works for you. Let me know if you need anything else.

The only thing I might add is a couple of your bullets on our permitting improvement efforts.

I also now realize that Trey in R4 May have some thoughts as well.

Sent from my iPhone

Begin forwarded message:

**From:** "Lieberman, Paige" <Lieberman.Paige@epa.gov>  
**Date:** May 30, 2018 at 4:09:20 PM EDT  
**To:** "Drinkard, Andrea" <Drinkard.Andrea@epa.gov>  
**Cc:** "Klasen, Matthew" <Klasen.Matthew@epa.gov>, "Bowles, Jack" <Bowles.Jack@epa.gov>, "Campbell, Ann" <Campbell.Ann@epa.gov>, "Wildeman, Anna" <wildeman.anna@epa.gov>, "Forsgren, Lee" <Forsgren.Lee@epa.gov>  
**Subject:** RE: Mississippi Delta Council Roundtable

All –

Talking points are attached for the Mississippi Delta Council Roundtable. OWOW has reviewed the language.



Thanks,  
Paige

**Paige Lieberman**  
Acting Director of Stakeholder Engagement  
Office of Water  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
(202) 564-9957

---

**From:** Drinkard, Andrea  
**Sent:** Wednesday, May 30, 2018 9:42 AM  
**To:** Lieberman, Paige <Lieberman.Paige@epa.gov>  
**Cc:** Klasen, Matthew <Klasen.Matthew@epa.gov>; Bowles, Jack <Bowles.Jack@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>; Wildeman, Anna <wildeman.anna@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>  
**Subject:** FW: Mississippi Delta Council Roundtable  
**Importance:** High

Hi Paige,  
We just got an urgent ask for talking points for the Administrator's office to prepare some talking points on the attached list of topics for a round table with the Mississippi Delta Council tomorrow. Since this is a round table we don't need a lot of content—maybe 3-5 bullets for each—but we need it quickly. I've added Anna and Lee so that they are aware of this meeting and can review anything we've put together, but please work with the offices to pull something together on the water related issues ASAP. Thanks!

---

**From:** Beach, Christopher  
**Sent:** Wednesday, May 30, 2018 9:34 AM  
**To:** Drinkard, Andrea <Drinkard.Andrea@epa.gov>  
**Subject:** Mississippi Delta Council Roundtable

Here's the Roundtable setup. As you can see, it's primarily VIPs so we have to make sure SP has all the info he needs. Thanks!

#### **Business Roundtable**

15 state business leaders will be in attendance

Run of Show:

- Governor Bryant delivers brief remarks
- Governor Bryant introduces the Administrator
- The Administrator delivers brief remarks
- The Administrator partakes in a roundtable discussion

Attendees:

- Governor Phil Bryant
- Senator Roger Wicker
- Senator Cindy Hyde-Smith
- Lt. Governor Tate Reeves
- Richard Kaiser, Commander, Mississippi River Commission
- Kevin Kennedy, Acting State Conservationist, Natural Resources Conservation Service – USDA



Message

---

**From:** Beach, Christopher [beach.christopher@epa.gov]  
**Sent:** 5/30/2018 9:02:33 PM  
**To:** Daniell, Kelsi [daniell.kelsi@epa.gov]; Hupp, Millan [hupp.millan@epa.gov]; Ferguson, Lincoln [ferguson.lincoln@epa.gov]; Kunding, Kelly [kunding.kelly@epa.gov]; Gordon, Stephen [gordon.stephen@epa.gov]  
**Subject:** FW: Talking Points Question  
**Attachments:** Administrator Visit Delta Cotton - Neonicotinoid Pesticides.docx

Hi all, here are some good talking points on pollinator issues. I'm going to put a condensed version of these on his pocket card for the roundtable, but I thought you might want to print this out and put it in his binder too. It's good background info for the pollinator tour.

---

**From:** Subramanian, Hema  
**Sent:** Wednesday, May 30, 2018 4:59 PM  
**To:** Beach, Christopher <beach.christopher@epa.gov>  
**Subject:** RE: Talking Points Question

Chris, attached are TPs from Office of Pesticide Programs on the pollinator and crop protection topic.

---

Hema Subramanian  
Acting Special Assistant for Agriculture Policy  
Office of the Administrator  
U.S. Environmental Protection Agency  
Washington, DC  
office: (202) 564-5041

---

**From:** Beach, Christopher  
**Sent:** Wednesday, May 30, 2018 8:41 AM  
**To:** Subramanian, Hema <Subramanian.Hema@epa.gov>  
**Subject:** Talking Points Question

Hi Hema, I hope you're doing well. The Administrator is speaking in Mississippi on Friday at the Delta Council and one of the issues they flagged that could come up is "pollinator health and crop protection practices." Would you have any talkers handy on that issue?

Thanks!  
Chris

## **Talking Points for the Administrator's Meeting with the Mississippi Delta Council**

### **Pollinator Protection and EPA Actions on Neonicotinoid Pesticides**

#### **Background:**

- Pollinator protection is a priority for the EPA, given that bee pollination and insect control are essential to the success of agriculture. The EPA has been actively involved in multiple efforts to promote and increase pollinator protection through regulatory actions, voluntary changes to pesticide use by registrants, and research programs aimed at better understanding the factors associated with declining pollinator health.
- The EPA conducts pollinator risk assessments to support regulatory decisions for new and existing pesticides using the best available science based on a harmonized risk assessment framework, developed collaboratively with Canada's Pest Management Regulatory Authority and the California Department of Pesticide Regulation.
- Neonicotinoids are a class of insecticides which include the active ingredients clothianidin, thiamethoxam, dinotefuran, and imidacloprid. Neonicotinoids are systemic pesticides, which means that bees may be exposed to the chemical through ingestion of plant parts such as pollen or nectar, in addition to direct contact from spray applications. FIFRA registration review for the neonicotinoids began in 2007. To date, the Agency has completed preliminary ecological and human health risk assessments for all neonicotinoid insecticides. The next step is for the EPA to propose interim decisions under the registration review program, which is planned for late 2018. In 2013, the European Union (EU) issued a set of restrictions on three of the neonicotinoids (imidacloprid, clothianidin, and thiamethoxam).

#### **Talking Points:**

**Deliberative Process / Ex. 5**

# **Deliberative Process / Ex. 5**

Message

---

**From:** Troche, Luis [Troche.Luis@epa.gov]  
**Sent:** 6/25/2018 9:30:05 PM  
**To:** Ferguson, Lincoln [ferguson.lincoln@epa.gov]; Nishida, Jane [Nishida.Jane@epa.gov]  
**CC:** Kasman, Mark [Kasman.Mark@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]; Daniell, Kelsi [daniell.kelsi@epa.gov]  
**Subject:** Re: DRAFT CEC Council Session Official Opening.docx  
**Attachments:** DRAFT CEC Council Session Official Opening.docx

Hi Lincoln,

Attached are a couple of edits to the official council opening by the Administrator:

- adjusted acknowledgment of Mayor Holt (as he is appearing by video)
- adding a welcome to the Canadian and Mexican delegations.

Best Regards,

*Luis Troche*

Senior Advisor for North American Affairs  
CEC General Standing Committee  
Office of Regional and Bilateral Affairs  
Office of International and Tribal Affairs  
U.S. Environmental Protection Agency  
Ph. 202.564.2870 | [www.epa.gov/international](http://www.epa.gov/international)

---

**From:** Ferguson, Lincoln  
**Sent:** Friday, June 22, 2018 5:02 PM  
**To:** Nishida, Jane  
**Cc:** Troche, Luis; Kasman, Mark; Beach, Christopher; Daniell, Kelsi  
**Subject:** DRAFT CEC Council Session Official Opening.docx

Attached are draft remakes for the Administrator.

Message

---

**From:** Forsgren, Lee [Forsgren.Lee@epa.gov]  
**Sent:** 4/16/2018 8:49:57 PM  
**To:** Ford, Hayley [ford.hayley@epa.gov]; Ferguson, Lincoln [ferguson.lincoln@epa.gov]  
**Subject:** Talking points for the Ducks Unlimited Meeting  
**Attachments:** Ducks Unlimited Talking Points 16 April 2018.docx

Hayley and Lincoln,

Here are some talking points for the Ducks Unlimited meeting. If you have any questions just let me know.

Regards,  
Lee

---

**From:** Ford, Hayley  
**Sent:** Monday, April 16, 2018 10:46 AM  
**To:** Forsgren, Lee <Forsgren.Lee@epa.gov>  
**Cc:** Gordon, Stephen <gordon.stephen@epa.gov>  
**Subject:** RE: Ducks Unlimited Meeting

Lee – Just tried calling you. Can you tell me who from OW can attend the 9:45AM meeting tomorrow with Ducks Unlimited? Sarah mentioned John or Mindy and then do you want to attend as well?

Additionally, do we have any talkers for him on wetlands issues?

Thank you!

*Hayley Ford*

Deputy White House Liaison and Personal Aide to the Administrator  
Environmental Protection Agency  
[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)  
Phone: 202-564-2022  
Cell: Ex. 6 Personal Privacy (PP)

---

**From:** Forsgren, Lee  
**Sent:** Friday, April 13, 2018 4:48 PM  
**To:** Beck, Nancy <Beck.Nancy@epa.gov>  
**Cc:** Ford, Hayley <ford.hayley@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>  
**Subject:** Re: Ducks Unlimited Meeting

Hayley,

OW needs to be there. We have numerous issues that DU care about- starting with WOTUS, wetlands mitigation, and other smaller programs.

Lee

Sent from my iPhone

On Apr 13, 2018, at 4:21 PM, Beck, Nancy <[Beck.Nancy@epa.gov](mailto:Beck.Nancy@epa.gov)> wrote:

I can dig around a little in OPP to see if they have any issues/concerns before us. You may be correct on ESA, but we will try to confirm.

---

Nancy B. Beck, Ph.D., DABT  
Deputy Assistant Administrator, OCSP  
P: 202-564-1273  
M: Ex. 6 Personal Privacy (PP)  
[beck.nancy@epa.gov](mailto:beck.nancy@epa.gov)

---

**From:** Ford, Hayley  
**Sent:** Friday, April 13, 2018 4:18 PM  
**To:** Beck, Nancy <[Beck.Nancy@epa.gov](mailto:Beck.Nancy@epa.gov)>; Bolen, Brittany <[bolen.brittany@epa.gov](mailto:bolen.brittany@epa.gov)>; Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Forsgren, Lee <[Forsgren.Lee@epa.gov](mailto:Forsgren.Lee@epa.gov)>; Baptist, Erik <[Baptist.Erik@epa.gov](mailto:Baptist.Erik@epa.gov)>  
**Subject:** Ducks Unlimited Meeting

The Administrator is meeting with Ducks Unlimited next Tuesday at 9:45AM. They would like to discuss wetlands and waterfowl conservation. Attendees are below. Who should attend this meeting and are there issues that he may need to have included in a briefing doc prior to this meeting? Assume this may be OW/ESA issues but not 100% sure.

Thanks!

Dale Hall, Ducks Unlimited CEO  
Rogers Hoyt, Ducks Unlimited President  
Nick Wiley, Chief Conservation Officer, Ducks Unlimited  
Al Montna, Senior Board Member and Vice President for Public Policy, Ducks Unlimited  
Dan Wrinn, National Director Government Affairs, Ducks Unlimited

***Hayley Ford***

Deputy White House Liaison and Personal Aide to the Administrator  
Environmental Protection Agency  
[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)  
Phone: 202-564-2022  
Cell: Ex. 6 Personal Privacy (PP)



Message

---

**From:** Ferguson, Lincoln [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=08CD7F82606244DE96B61B96681C46DE-FERGUSON, L]  
**Sent:** 11/30/2017 12:34:09 PM  
**To:** Daniell, Kelsi [daniell.kelsi@epa.gov]  
**Subject:** FW: FOR TRANSMITTAL: Issue papers for Iowa Stops  
**Attachments:** Waters of the United States Rulemaking\_Applicability Date fact sheet.docx; Administrator 1 pager for IA Antideg WQS 11-29-17\_clean.docx

---

**From:** Bennett, Tate  
**Sent:** Wednesday, November 29, 2017 4:56 PM  
**To:** Ferguson, Lincoln <ferguson.lincoln@epa.gov>  
**Subject:** FW: FOR TRANSMITTAL: Issue papers for Iowa Stops

---

**From:** Forsgren, Lee  
**Sent:** Wednesday, November 29, 2017 4:45 PM  
**To:** Bennett, Tate <Bennett.Tate@epa.gov>  
**Cc:** Campbell, Ann <Campbell.Ann@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>  
**Subject:** FW: FOR TRANSMITTAL: Issue papers for Iowa Stops

Tate,

Here are the Office of Water briefing papers for the Administrators Iowa trip.

Regards,  
Lee

**D. Lee Forsgren**

Deputy Assistant Administrator  
Office Of Water  
Environmental Protection Agency  
1200 Pennsylvania Avenue, VW  
Room 3219 WJCE  
Washington, DC 20460  
Phone: 202-564-5700  
[Forsgren.Lee@epa.gov](mailto:Forsgren.Lee@epa.gov)

---

**From:** Bennett, Tate  
**Sent:** Wednesday, November 29, 2017 12:04 PM  
**To:** Ferguson, Lincoln <ferguson.lincoln@epa.gov>  
**Cc:** Jackson, Ryan <jackson.ryan@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>; Kunding, Kelly <kunding.kelly@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Gordon, Stephen <gordon.stephen@epa.gov>; Beck, Nancy

<Beck.Nancy@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>

**Subject:** RE: Memo on Iowa Stops

Please see attached on Iowa. Lincoln, for your organizational purposes, here is what he needs for each day:

- **Policy Memos for BOTH Days:** RVO (coming in shortly), CERCLA Hard Rock info from Byron, WOTUS info on 2015 proposed effective date extension(coming in shortly), Worker Protection Standard Update Jeff put together (from Michigan materials)
- **Kentucky Specific:** Kell's BF Goodrich update, Nancy's pesticide update
- **Iowa Specific:** The Corn Oil One Update I just sent you, Antidegradation (coming shortly from Lee F)

---

**From:** Bennett, Tate

**Sent:** Tuesday, November 28, 2017 6:31 PM

**To:** Ferguson, Lincoln <ferguson.lincoln@epa.gov>

**Cc:** Jackson, Ryan <jackson.ryan@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>; Kunding, Kelly <kunding.kelly@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Sarah Greenwalt (greenwalt.sarah@epa.gov) <greenwalt.sarah@epa.gov>; Gordon, Stephen <gordon.stephen@epa.gov>; Beck, Nancy <beck.nancy@epa.gov>

**Subject:** Memo on Kentucky Stops

Please see attached memo from OPE on the Admin's Kentucky stops this Thursday. His Iowa memo will be sent over in the AM. RJ- we are all set on talkers aside from RVO's which Mandy/Alex are getting us tomorrow.

Elizabeth Tate Bennett

Associate Administrator for Public Engagement & Environmental Education

Office of the Administrator

U.S. Environmental Protection Agency

(202) 564-1460

[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)

Message

---

**From:** Ferguson, Lincoln [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=08CD7F82606244DE96B61B96681C46DE-FERGUSON, L]  
**Sent:** 9/25/2017 7:48:18 PM  
**To:** Ford, Hayley [ford.hayley@epa.gov]  
**Subject:** Notecard  
**Attachments:** AGC 9-26-17 .docx

Another notecard for tomorrow's speech – thank you!

(Once the ink for my printer comes in I'll be able to do this on my own and stop bothering yoU!

**Lincoln Ferguson**

Senior Advisor to the Administrator  
U.S. EPA  
(202) 564-1935

**Association of General Contractors**  
**National & Chapter Leadership**  
**Conference**

***Tuesday, 9/26 8:45am***  
***The Willard***

**Length:** 20-25 mins; 20 mins Q&A

**Audience:** 225 commercial construction owners, presidents and CEOs, AGC executives and staff

**Introduction:** Mike Morrand, *Treasurer, AGC of America*

**Run of Show:**

**8:45am** – YOU arrive

**8:50am** – YOU deliver remarks after being introduced

**9:15am** – Q&A discussion

**9:35am** – YOU depart

**Media:** Closed press.

**Deliberative Process / Ex. 5**

## **Deliberative Process / Ex. 5**

Message

---

**From:** Ferguson, Lincoln [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=08CD7F82606244DE96B61B96681C46DE-FERGUSON, L]  
**Sent:** 9/25/2017 7:05:48 PM  
**To:** Ford, Hayley [ford.hayley@epa.gov]  
**Subject:** Card for tonight  
**Attachments:** National Stone, Sand, and Gravel Assoc. 9-25-17 .docx

Do you mind printing this for tonight's speech?

Thanks,  
Lincoln

**Lincoln Ferguson**  
Senior Advisor to the Administrator  
U.S. EPA  
(202) 564-1935

**National Stone, Sand & Gravel Assoc.**

***Monday, 9/25 5:10pm***

***Hyatt Regency Capitol Hill***

**Length:** 15 mins; 20 mins Q&A

**Audience:** 200+ aggregates, business owners and facility operators

**Introduction:** Kermit Franks, *Dolese Brothers of OKC*

***\*\*Sec. Zinke will speak directly after you.***

**Run of Show:**

**5:10pm** – YOU arrive

**5:15pm** – YOU deliver brief remarks after being introduced

**5:30pm** – Q&A discussion

**5:50pm** – YOU depart

**Media:** Closed press.

**Deliberative Process / Ex. 5**

## **Deliberative Process / Ex. 5**



**To:** Bennett, Tate[Bennett.Tate@epa.gov]  
**From:** Ferguson, Lincoln[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=08CD7F82606244DE96B61B96681C46DE-FERGUSON, L]  
**Sent:** Fri 8/25/2017 1:36:36 PM (UTC)  
**Subject:** Fwd: Updated TPs on Oil and Gas  
[Status Update TPs Augustdocx.docx](#)  
[ATT00001.htm](#)

Sent from my iPhone

Begin forwarded message:

**From:** "Gunasekara, Mandy" <[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)>  
**Date:** August 24, 2017 at 6:56:34 PM CDT  
**To:** "Jackson, Ryan" <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>, "Dravis, Samantha" <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>, "Schwab, Justin" <[schwab.justin@epa.gov](mailto:schwab.justin@epa.gov)>, "Bolen, Brittany" <[bolen.brittany@epa.gov](mailto:bolen.brittany@epa.gov)>  
**Cc:** "Ferguson, Lincoln" <[ferguson.lincoln@epa.gov](mailto:ferguson.lincoln@epa.gov)>  
**Subject:** RE: Updated TPs on Oil and Gas

See attached.

I added in more background on GPA and adjusted the status update portion to reflect today's conversation. Please let me know if you are looking for something different.

---

**From:** Jackson, Ryan  
**Sent:** Thursday, August 24, 2017 6:11 PM  
**To:** Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>; Gunasekara, Mandy <[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)>; Schwab, Justin <[schwab.justin@epa.gov](mailto:schwab.justin@epa.gov)>; Bolen, Brittany <[bolen.brittany@epa.gov](mailto:bolen.brittany@epa.gov)>  
**Cc:** Ferguson, Lincoln <[ferguson.lincoln@epa.gov](mailto:ferguson.lincoln@epa.gov)>  
**Subject:** RE: Updated TPs on Oil and Gas

Perfect. Big thanks.

---

**From:** Dravis, Samantha  
**Sent:** Thursday, August 24, 2017 6:11 PM  
**To:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>; Gunasekara, Mandy <[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)>; Schwab, Justin <[schwab.justin@epa.gov](mailto:schwab.justin@epa.gov)>; Bolen, Brittany <[bolen.brittany@epa.gov](mailto:bolen.brittany@epa.gov)>  
**Cc:** Ferguson, Lincoln <[ferguson.lincoln@epa.gov](mailto:ferguson.lincoln@epa.gov)>  
**Subject:** RE: Updated TPs on Oil and Gas

We just got off the phone with him, we are working through some things now.

---

**From:** Jackson, Ryan  
**Sent:** Thursday, August 24, 2017 5:20 PM  
**To:** Gunasekara, Mandy <[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)>; Schwab, Justin <[schwab.justin@epa.gov](mailto:schwab.justin@epa.gov)>; Bolen, Brittany <[bolen.brittany@epa.gov](mailto:bolen.brittany@epa.gov)>; Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>  
**Cc:** Ferguson, Lincoln <[ferguson.lincoln@epa.gov](mailto:ferguson.lincoln@epa.gov)>  
**Subject:** RE: Updated TPs on Oil and Gas

Need an update on this.

---

**From:** Gunasekara, Mandy  
**Sent:** Wednesday, August 23, 2017 11:08 PM  
**To:** Schwab, Justin <[schwab.justin@epa.gov](mailto:schwab.justin@epa.gov)>; Bolen, Brittany <[bolen.brittany@epa.gov](mailto:bolen.brittany@epa.gov)>; Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>  
**Cc:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>; Ferguson, Lincoln <[ferguson.lincoln@epa.gov](mailto:ferguson.lincoln@epa.gov)>

ED\_004680D\_00059868-00001

**Subject:** Updated TPs on Oil and Gas

---

Please review the attached TPs and let me know your thoughts/edits/concerns.

**Mandy M. Gunasekara**

Senior Policy Advisor for Office of Air and Radiation

Office of the Administrator

US Environmental Protection Agency

Message

---

**From:** Ferguson, Lincoln [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=08CD7F82606244DE96B61B96681C46DE-FERGUSON, L]  
**Sent:** 6/22/2018 9:02:09 PM  
**To:** Nishida, Jane [Nishida.Jane@epa.gov]  
**CC:** Troche, Luis [Troche.Luis@epa.gov]; Kasman, Mark [Kasman.Mark@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]; Daniell, Kelsi [daniell.kelsi@epa.gov]  
**Subject:** DRAFT CEC Council Session Official Opening.docx  
**Attachments:** DRAFT CEC Council Session Official Opening.docx; ATT00001.txt

Attached are draft remakes for the Administrator.

Message

---

**From:** Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]  
**Sent:** 11/16/2017 10:38:16 PM  
**To:** Ford, Hayley [ford.hayley@epa.gov]  
**Subject:** Re: Moderated questions for Administrator Pruitt at Crossroads Summit

Ugh sorry dropped ball here. We usually send questions the week before

On Nov 16, 2017, at 5:01 PM, Ford, Hayley <ford.hayley@epa.gov> wrote:

Press Team/Lincoln – Do you typically like to review the questions that Pruitt will be asked during moderated speaking engagements? He is speaking the morning of 11/30 with the Texas Public Policy Foundation. See questions below. Can you let us know what you think and/or respond to Clint directly and just keep us copied?

Thanks!

*Hayley Ford*

Deputy White House Liaison and Personal Aide to the Administrator  
Environmental Protection Agency

[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)

Phone: 202-564-2022

Cell: Ex. 6

---

**From:** Hupp, Millan  
**Sent:** Tuesday, November 14, 2017 4:24 PM  
**To:** Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>; Ford, Hayley <[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)>; Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>  
**Subject:** RE: Moderated questions for Administrator Pruitt at Crossroads Summit

It is Thursday, the 30<sup>th</sup>.

Millan Hupp  
Director of Scheduling and Advance  
Office of the Administrator  
Cell: Ex. 6 Email: [hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)

---

**From:** Bennett, Tate  
**Sent:** Tuesday, November 14, 2017 3:35 PM  
**To:** Ford, Hayley <[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)>; Hupp, Millan <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>; Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>  
**Subject:** RE: Moderated questions for Administrator Pruitt at Crossroads Summit

I think we said we'd get back to him this week with some edits. When is this?

---

**From:** Ford, Hayley  
**Sent:** Tuesday, November 14, 2017 3:22 PM  
**To:** Hupp, Millan <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>; Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>; Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>  
**Subject:** RE: Moderated questions for Administrator Pruitt at Crossroads Summit

Has anyone responded to this?

**Hayley Ford**

Deputy White House Liaison and Personal Aide to the Administrator

Environmental Protection Agency

[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)

Phone: 202-564-2022

Cell: Ex. 6

---

**From:** Clint Nesmith [<mailto:cnesmith@texaspolicy.com>]

**Sent:** Friday, November 10, 2017 12:37 PM

**To:** Hupp, Millan <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>; Ford, Hayley <[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)>; Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>; Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>

**Subject:** Moderated questions for Administrator Pruitt at Crossroads Summit

**Importance:** High

Ladies and Gentlemen,

We have crafted eight potential questions that Brooke Rollins, TPPF President and CEO, would ask Administrator Pruitt during their 20-25 minute moderated conversation. Does your team have any edits to these questions or would you like to add any additional ones? Obviously, we would like to get any questions you may want him to answer during the conversation.

Thank you!

1. What areas of environmental protection are best left to states vs. the federal government?
2. What is your office and this administration doing to promote the concept of the advancement of the human condition through energy – and how that must be balanced with the important goal of maintaining a clean environment?
3. What is the best way to improve the environment throughout the world?
4. The EPA has recently proposed to repeal the Clean Power Plan based largely on the basis that Congress did not delegate to EPA the underlying regulatory authority. In addition to the repeal, what can the EPA do now to bind itself and protect against future Administrations claiming again the regulatory power in the Clean Power Plan?
5. Without Congressional power, what may the EPA do to transfer and delegate more autonomy and authority to states to regulate for a clean environment?
6. To what extent should authority be adjusted between the EPA and the Department of Energy in terms of regulatory authority over power plants and oil & gas operations?
7. Please discuss how your efforts to decrease the EPA staff have succeeded, why it has been your goal to decrease the size of the EPA, and whether this has yet resulted in measurable changes.
8. Without addressing the science, do you believe that EPA followed the law and procedural rules necessary to regulate CO2 under the Clean Air Act?

Clint Nesmith

Vice President of Engagement  
Texas Public Policy Foundation

**Ex. 6**

[cnsmith@texaspolicy.com](mailto:cnsmith@texaspolicy.com)